

207 Waiver

Title

Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

Transaction Identification Data for reference only:

Issuing Agent: **Fidelity National Title Agency, Inc.**
 Issuing Office: **60 E. Rio Salado Parkway, 11th Floor, Tempe, AZ 85281**
 Escrow Officer: **Joe Gutierrez**
 Title Officer: **Bob Bice**
 ALTA® Universal ID: **[]**
 Loan ID Number:
 Reference Number:
 Issuing Office File Number: **95000238-095-JOG**
 Property Address: **., Scottsdale, AZ**
 Revision Number: **Amendment No. 1, Amendment Date: June 1, 2018**

SCHEDULE A**AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

1. Commitment Date: **May 25, 2018 at 7:30 a.m.**
2. Policy to be issued:
 - (a) **ALTA Standard Owners Policy (6-17-06)**
 Proposed Insured: **City of Scottsdale, an Arizona municipal corporation**
 Proposed Policy Amount: [in an amount not to exceed] **\$100,000.00**
 - (b) **None**
 Proposed Insured: **[]**
 Proposed Policy Amount: [in an amount not to exceed] **\$0.00**
 - (c) **None**
 Proposed Insured: **[]**
 Proposed Policy Amount: [in an amount not to exceed] **\$0.00**
3. The estate or interest in the Land described or referred to in this Commitment is:
[A FEE]
4. Title to the [Fee] estate or interest in the Land is at the Commitment Date vested in:
City of Scottsdale, an Arizona municipal corporation
5. The Land is described as follows:
See Exhibit A attached hereto and made a part hereof.

Countersigned by:

Natalie Bombardieri

Authorized Signature



By:

Randy Quirk

Randy Quirk, President

Attest:

Michael Gravelle

Michael Gravelle, Secretary

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27C165 Commitment for Title Insurance (Adopted 6-17-06 Revised 08-01-2016)

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AMERICAN
LAND TITLE
13-ZN-2018
6/19/2018

EXHIBIT A LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED SCOTTSDALE, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Parcel No. 1:
(North)

Being a portion of Center Parcel 17, a portion of Walkway South Parcel 16 and a portion of Transit Parcel 14 as shown on the final plat of Loloma recorded in Book 597 of Maps, page 6, Records of Maricopa County, Arizona being a portion of the Northeast quarter of Section 27, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Transit Parcel 14;

Thence along the North right-of-way line of 2nd Street, South 89 degrees 07 minutes 28 seconds West, a distance of 30.91 feet, to the Point of Beginning;

Thence continuing along said North right-of-way line, South 89 degrees 07 minutes 28 seconds West, a distance of 268.01 feet;

Thence leaving said North right-of-way line, North 00 degrees 20 minutes 25 seconds West, a distance of 212.01 feet;

Thence North 89 degrees 07 minutes 28 seconds East, a distance of 45.00 feet;

Thence South 70 degrees 10 minutes 05 seconds East, a distance of 237.57 feet;

Thence South 00 degrees 20 minutes 25 seconds East, a distance of 128.00 feet, to the Point of Beginning.

Parcel No. 2:
(South)

Being Courtyard Combined Parcel 35, Shared Driveway North Parcel 30, Loft Parcel 25, Shared Driveway South Parcel 32, Shared Driveway Gore North Parcel 33, and Shared Driveway Gore South Parcel 34, as shown on the re-plat of Loloma recorded in Book 823 of Maps, page 22, Records of Maricopa County, Arizona, being a portion of the Northeast quarter of Section 27, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the Northwest corner of said courtyard combined parcel 35 as shown on said final plat;

Thence along the Southerly right-of-way line of 2nd Street, North 89 degrees 11 minutes 05 seconds East, a distance of 73.55 feet;

Thence South 00 degrees 00 minutes 00 seconds East, a distance of 10.00 feet;

Thence North 89 degrees 11 minutes 05 seconds East, a distance of 145.51 feet;

Thence North 45 degrees 16 minutes 09 seconds East, a distance of 14.42 feet;

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EXHIBIT A
(Continued)

Thence North 89 degrees 11 minutes 05 seconds East, a distance of 53.68 feet, to the easterly line of Shared Driveway North Parcel 30;

Thence leaving said Southerly right-of-way line, along said easterly line, South 00 degrees 09 minutes 54 seconds West, a distance of 296.98 feet, to the beginning of a curve, concave Northeasterly, having a radius of 31.50 feet, whose radius bears South 89 degrees 51 minutes 16 seconds East;

Thence Southeasterly along said curve, an arc length of 44.39 feet, through a central angle of 80 degrees 44 minutes 14 seconds;

Thence North 89 degrees 11 minutes 05 seconds East, a distance of 202.89 feet, to the Westerly right-of-way line of Marshall Way;

Thence along said Westerly right-of-way line, South 00 degrees 09 minutes 54 seconds West, a distance of 144.62 feet;

Thence North 89 degrees 50 minutes 06 seconds West, a distance of 5.00 feet;

Thence South 00 degrees 09 minutes 54 seconds West, a distance of 10.93 feet, to the beginning of a curve concave Northwesterly, having a radius of 20.00 feet, whose radius bears North 89 degrees 50 minutes 06 seconds West;

Thence leaving said Westerly right-of-way line, Southwesterly along said curve, an arc length of 32.19 feet, through a central angle of 92 degrees 12 minutes 54 seconds, to the Easterly right-of-way line of Goldwater Boulevard;

Thence along said easterly right-of-way, North 87 degrees 37 minutes 12 seconds West, a distance of 15.69 feet, to the beginning of a curve, concave Northeasterly, having a radius of 510.00 feet, whose radius bears North 02 degrees 20 minutes 49 seconds East;

Thence Northwesterly along said curve, an arc length of 728.73 feet, through a central angle of 81 degrees 52 minutes 09 seconds;

Thence North 05 degrees 48 minutes 10 seconds West, a distance of 13.80 feet;

Thence leavings said Easterly right-of-way line, North 37 degrees 33 minutes 11 seconds East, a distance of 30.41 feet to the Point of Beginning.

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SCHEDULE B

PART I – REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
6. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.
7. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:

No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.
8. Recordation of a certified copy of the Ordinance of the City of Scottsdale authorizing the execution and delivery of all instruments necessary to consummate this transaction.
9. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

Upon confirmation by the owner of no open Deeds of Trust or Mortgages encumbering the Land described herein, furnish the Company an owner's Affidavit of no open Deed of Trust(s).

10. Furnish for recordation a deed as set forth below:

Type of deed:	Warranty
Grantor(s):	City of Scottsdale, an Arizona municipal corporation
Grantee(s):	City of Scottsdale, an Arizona municipal corporation

Note: This is necessary to put the new legal description of record.

Note: ARS 11:1133 may require the completion and filing of an Affidavit of Value.

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SCHEDULE B
PART I – Requirements
(Continued)

11. Furnish for recordation a deed as set forth below:

Type of deed:	Warranty
Grantor(s):	City of Scottsdale, an Arizona municipal corporation
Grantee(s):	To Come

Note: ARS 11:1133 may require the completion and filing of an Affidavit of Value.

Tax Note:

Year:	2017
Tax Parcel No:	130-13-108
Total Tax:	\$0.00
First Installment Amount:	\$Paid
Second Installment Amount:	\$Paid
Affects Parcel No. 1	

Tax Note:

Year:	2017
Tax Parcel No:	130-13-108
Total Tax:	\$0.00
First Installment Amount:	\$Paid
Second Installment Amount:	\$Paid
Affects Parcel No. 1	

Tax Note:

Year:	2017
Tax Parcel No:	130-13-109A
Total Tax:	\$0.00
First Installment Amount:	\$Paid
Second Installment Amount:	\$Paid
Affects Parcel No. 1	

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SCHEDULE B
PART I – Requirements
(Continued)

Tax Note:

Year:	2017
Tax Parcel No:	130-13-340 thru 353; 130-13-404, 130-13-111, 130-30-113A, 113-30-172
Total Tax:	\$0.00
First Installment Amount:	\$Paid
Second Installment Amount:	\$Paid
Affects Parcel No. 2	

END OF SCHEDULE B, PART I—REQUIREMENTS

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SCHEDULE B
PART I – Requirements
(Continued)

SCHEDULE B
PART II – EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- A. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
 - 1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the year [2018].
 - 2. Any outstanding liabilities and obligations, including unpaid assessments, imposed upon said Land by reason of: (a) inclusion thereof within the boundaries of the Salt River Project Agricultural Improvement and Power District; (b) membership of the owner thereof in the Salt River Valley Water Users' Association, an Arizona corporation and (c) the terms of any Water Right Application made under the reclamation laws of the United States for the purposes of obtaining water rights for said Land.
 - 3. The right of entry to prospect for, mine and remove the minerals excepted from the description of said Land in Schedule A.

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AMERICAN
LAND TITLE
ASSOCIATION



SCHEDULE B
PART I – Requirements
(Continued)

4. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: Book 138 of Deeds, page 456
Affects Parcel No. 1 and 2

5. Easements, covenants, conditions and restrictions as set forth on the plat recorded in Book 6 of Maps, Page 26.
Affects Parcel No. 1 and 2

6. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Sewer and water purposes
Recording Date: April 27, 19889
Recording No: 89-193328
Affects Parcel No. 1

7. Matters contained in that certain document

Entitled: Notice of Agreement
Dated: March 26, 1993
Recording No: 93-179800 and thereafter Notice of extension recorded in
Recording No: 2003-1501960 and in Recording No. 2012-915973
Affects Parcel No. 2

Reference is hereby made to said document for full particulars.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Underground electric lines
Recording Date: December 11, 1996
Recording No: 96-862880
Affects Parcel No. 1 and 2

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AMERICAN
LAND TITLE
ASSOCIATION



SCHEDULE B
PART I – Requirements
(Continued)

9. Matters contained in that certain document

Entitled: Lease Termination and License Agreement
Dated: March 11, 2002
Executed by: City of Scottsdale, an Arizona municipal corporation and Scottsdale Community Players, Inc., an Arizona corporation
Recording Date: March 20, 2002
Recording No: 2002-285211
Affects Parcel No. 1

Reference is hereby made to said document for full particulars.

10. Matters contained in that certain document

Entitled: Memorandum of New Legal Descriptions
Dated: April 17, 2002
Executed by: City of Scottsdale, an Arizona municipal corporation and Arts District Group, LLC, an Arizona limited liability company
Recording Date: July 1, 2002
Recording No: 2002-673089

Reference is hereby made to said document for full particulars.

11. Easements, covenants, conditions and restrictions as set forth on the plat recorded in Book 597 of Maps, Page 6, Affidavit of Corrections recorded in Recording No. 2003-1602864 and in Recording No. 2003-1672931.
Affects Parcel No. 1 and 2

12. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: 2004-1353197
Affects Parcel No. 1 (Transit Parcel 14)

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AMERICAN
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ASSOCIATION



SCHEDULE B
PART I – Requirements
(Continued)

13. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: 2004-1353200 and in
Recording No: 2004-1353202
Affects Parcel No. 1 (Transit Parcel 14 and Center Parcel 17)

14. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: 2004-1353203 and in
Recording No: 2004-1353204
Affects Parcel No. 2

15. Easements, covenants, conditions and restrictions as set forth on the plat recorded in Book 823 of Maps, Page 22.
Affects Parcel No. 2

16. Easements, covenants, conditions and restrictions as set forth on the plat recorded in Book 973 of Maps, Page 6.
Affects Parcel No. 2

17. Matters contained in that certain document

Entitled: Redevelopment Agreement Termination Notice and Confirmation of
Status of Related Documents
Recording Date: November 16, 2010
Recording No: 2010-1003679

Reference is hereby made to said document for full particulars.

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SCHEDULE B
PART I – Requirements
(Continued)

18. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Youth Theater Lease Agreement
Lessor: City of Scottsdale, an Arizona municipal corporation
Lessee: Scottsdale Community, an Arizona non-profit corporation dba Grease Paint Youth Theatre
Recording Date: October 10, 2014
Recording No: 2014-674543
Affects Parcel No. 1

19. Matters contained in that certain document

Entitled: Right-of-Way Agreement
Dated: February 17, 2015
Executed by: City of Scottsdale, an Arizona municipal corporation and Qwest Corporation dba Century Link QC
Recording Date: February 23, 2015
Recording No: 2015-115462
Affects Parcel No. 1

Reference is hereby made to said document for full particulars.

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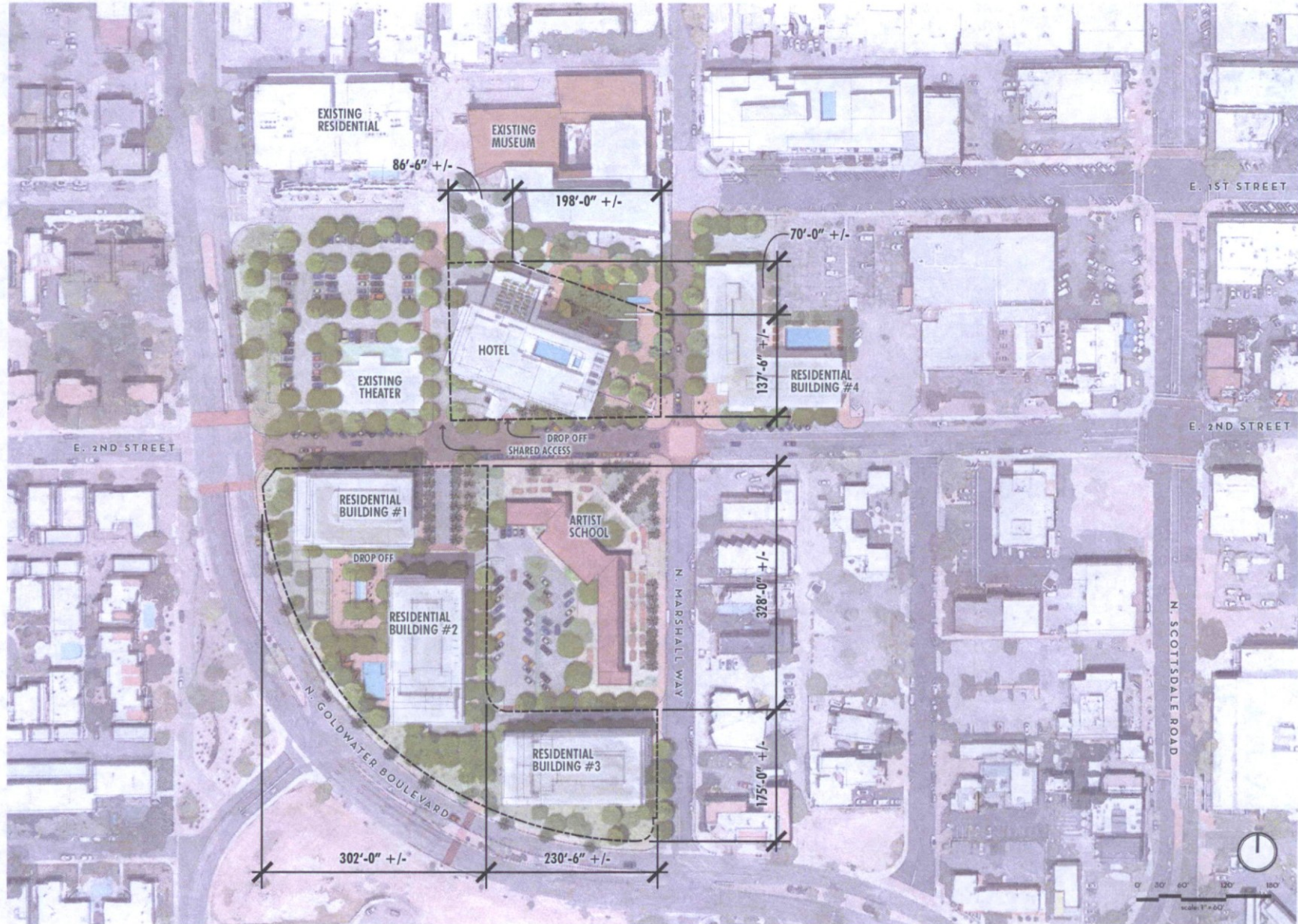
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LEGEND

- PROPERTY BOUNDARY
-  DIMENSION CALL OUTS



All plans, designs, guidelines, and other elements of this document are conceptual & illustrative only and are subject to future modification.

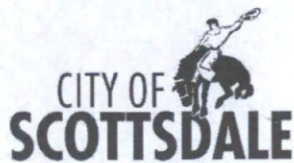
23D. DIMENSIONED PLAN
6.18.18



SCOTTSDALE'S MUSEUMSQUARE
REZONING DEVELOPMENT APPLICATION



13-ZN-2018
6/19/2018



7/12/18

John Berry
John Berry / Michele Hammond - Berry Riddell
6750 E. Camelback Road Suite 1
Scottsdale, AZ 85251

RE: 13-ZN-2018
Museum Square

Dear Mr. Berry:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 6/19/18. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please provide a revised development plan addressing the items identified in the attached redlined development plan, in accordance with Zoning Ordinance Section 7.820. and the Plan & Report Requirements for Development Applications.
2. In accordance with Zoning Ordinance Section 6.1310.D.1., an application for a Planned Block Development (PBD) with bonuses requires a development agreement. Although discussion and review of an associated development agreement has commenced, a formal application submittal for the development agreement must be provided. Please provide a complete application submittal for a Development Agreement application, in accordance with the provided Development Application Submittal Checklist, prior to or concurrent with the resubmittal of the Zoning District Map Amendment application.
3. The submitted Zoning District Map Amendment includes a parking master plan with a request for a parking reduction of approximately 30% for the hotel use. The proposal also includes multiple residential buildings totaling approximately 300 units. Historically, the city has experienced parking supply issues related to lack of guest parking for multi-family residential uses. In addition, it appears there will be a reduction in available on-street/public

parking associated with the development. In accordance with Zoning Ordinance Section 9.104.F.5.h., a parking study will be required regarding the adequacy of future parking in the Loloma area. Please coordinate the details of what should be included in this study with Transportation Director, Paul Basha.

4. Previous development cases 2-ZN-2000, 2-ZN-2000#3, and 2-ZN-2000#4, which are currently applicable to the subject property, include approved development standards for the site. This proposed development includes a 'Summary of proposed property development standards' which are different from the approved development standards for the site. Please provide a table that shows the current development standards compared to the proposed amended development standards.
5. In the Zoning Setbacks section of the development plan, please provide comparative illustrations and information, including dimensions and exceptions, regarding the current setback development standards and the proposed setback development standards.
6. In the Building Stepbacks section of the development plan, please provide comparative illustrations and information, including dimensions and exceptions, regarding the current stepback development standards and the proposed setback development standards.
7. Please submit three (3) copies of the revised TIMA in response to the comments issued by the Transportation Department.
8. Please submit three (3) copies of the revised Parking Master Plan in response to the comments issued by the Transportation Department.

General Plan / Old Town Character Area Plan

9. The PBD District Text Amendment (1-TA-2018) recently approved by City Council includes discussion regarding maximum site coverage related to bonus height (Sec. 7.1200.D.1.b.ii). Although this proposal does not appear to exceed site coverage standards, with a resubmittal please provide detail calculating such within the "Bonus Provisions/Special Improvement Calculations" discussion (page 7 of the development plan).
10. The applicant is proposing to utilize the draft Old Town Character Area Plan (1-GP-2018) as a means to justify this proposal. To ensure continuity with the narrative as well as transparency with the community, please update the following maps depicted in the first submittal:
 - a. Page 45 depicts the 2009 Downtown Plan Land Use map. With a resubmittal, please replace with the proposed Old Town Future Land Use map (Map 2 in the recently approved plan)
 - b. Page 49 depicts the 2009 Downtown Plan Development Types map. With a resubmittal, please replace with the recently approved Downtown Development Types map (Map 4 in the draft plan)
11. The General Plan Land Use (Goal 5, Bullet 2), Economic Vitality (Goal 5, bullet 6), Neighborhoods (Goal 4, bullet 7) and Community Mobility (Goal 11, Bullet 10) Elements encourage pedestrian oriented development. Additionally, the Old Town Character Area Plan addresses the importance of the pedestrian environment (Policies CD1.5, CD6.2, CD 6.3, and Goal M2). With a resubmittal please address the following:

- a. A future signalized intersection is noted in the first submittal at 2nd Street and Goldwater as well as a future HAWK crossing traversing Goldwater. The narrative does not specify if these improvements will be provided by the applicant. With a resubmittal, please provide clear narrative that discusses these future crossings and how they will be realized.
 - b. Page 112 of the first submittal notes the Goldwater/Marshall intersection as a Pedestrian Gateway. Crossing for this location will be accomplished via the future HAWK crossing located west of this intersection. However, Marshall Way has long been envisioned as a north/south pedestrian corridor through the downtown area – and likely, pedestrians will be drawn to this location (Goldwater/Marshall intersection). Please provide pedestrian wayfinding signage at this location to encourage pedestrians to cross at the HAWK location.
 - c. Pages 96 and 97 of the first submittal describe the potential for “Museum Way” as a future potential pedestrian connectivity opportunity and improvement on what is existing today between the subject site and Civic Center along 2nd Street. With a resubmittal, please provide further dialogue as to how the applicant will be participating in these proposed improvements.
12. Both the General Plan (Character & Design Element Goal 5 and Growth Areas Element Goal 6) and the Old Town Character Area Plan (Character & Design Policies CD 5.5, CD 6.3 and CD 9.4; Mobility Policy M 1.3; and the Arts & Culture Chapter) discuss the importance of art within the downtown that is accessible and integrated into the urban form. Although the first submittal discusses integrated Public Art onsite – the locations are noted across the various site plans provided, but not in one singular graphic. With a resubmittal, provide location details on a Public Art Plan – public art should be viewable from the right-of-way and in locations that are publicly accessible.
13. The Old Town Character Area Plan discusses open space areas as an important network of gathering places to be enjoyed by all (Character and Design Chapter Goal CD 5) Although Page 175 of the first submittal notes types of open spaces provided by this proposal in terms of landscaping, it does not specify which areas are public and which areas are not. With a resubmittal, please provide an Open Space Plan that notes all open space areas and describes whether they are public, private, or quasi-public (similar to areas around the waterfront).
14. The application states several times that 100,000 new hotel room nights per year will be provided as a result of this project. However, that includes keys resulting from the Canopy hotel proposed northeast of the subject site. Since Canopy is not a part of this proposal – and to be more transparent – please update the narrative to only include estimates that may result from this proposal only.
15. In the Development Plan, Compatibility section, please revise the narrative so that it also includes an explanation on how the proposed zoning district map amendment will be consistent with the Scottsdale General Plan Character and Design Element: Goal 2 – Bullet 3; Goal 4 - Bullets 2, 7, 13, 15, and 16.
16. In the Development Plan, Compatibility section, please revise the narrative so that it also includes an explanation on how the proposed zoning district map amendment will be

consistent with the and the Downtown Scottsdale Character Area Plan, Character and Design Element: Goal CD 1 - Policies 1.1, 1.2, 1.4, 1.5, 1.6, 1.7, and 1.8; Goal CD 2 - Policy 2.1; Goal CD 3 - Policy 3.4; Goal CD 4 - Policies 4.2, and 4.4; Goal CD 10-Policies 10.7, 10.8, and 10.9.

Fire:

17. Please revise the site plan or provide a supplemental plan to clearly demonstrate a minimum 24' width for all drive aisles in accordance with Fire Ord. 4045, Section 503.2.1.
18. Please revise the site plan or provide a supplemental plan to clearly demonstrate commercial turning radii requirements for all driveways (25' inner, 49' outside, 55' bucket swing), in accordance with the Design Standards & Policies Manual, Section 2-1.802.B.5.

Drainage:

19. Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report to me with the rest of the resubmittal material identified in Attachment A.

Water and Waste Water:

20. Please submit three (3) copies of the revised Waste Water Design Report with the original red-lined copy of the report to me with the rest of the resubmittal material identified in Attachment A.

Utilities:

21. In accordance with Scottsdale Revised Code 47-80, please revise the site plan to note undergrounding of existing overhead utility lines along and within the project boundaries. Several such facilities requiring undergrounding by exist along 2nd Street and within proposed condo parcel.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. While these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

22. In accordance with the Design Standards & Policies Manual Section 2-1.309, please revise the design of the refuse area design per the following comments:
 - a. Place the refuse compactor container and approach pad so that the refuse truck route to and from the public street has a minimum unobstructed vertical clearance of thirteen (13) feet six (6) inches (fourteen 14 feet is recommended), and unobstructed minimum vertical clearance above the concrete approach slab and refuse compactor container storage area concrete slab of twenty-five (25) feet.
 - b. Place the refuse compactor container in a location that does not require the bin to be maneuvered or relocated from the bin's storage location to be loaded on to the refuse truck.
 - c. Provide a refuse compactor container approach area that has a minimum width of fourteen (14) feet and length of sixty (60) feet in front of the container.

- d. Demonstrate path of travel for refuse truck accommodates a minimum vehicle turning radius of 45', and vehicle length of 40'.
 - e. State on site plan compactor capacity conversion equating to the city's required 1 enclosure for every 20 units with no recycling or 2 enclosures for every 30 units with recycling. Although recycling is not a requirement, it has been determined to be an amenity that city residents are looking for in this type of development.
23. Please provide additional illustrations and information, including dimensions and exceptions, regarding the proposed Transitional Plan, in accordance with the Design Standards & Policies Manual Section 2-3.100.G.
24. Please provide Special Impacts Analyses regarding Tall Building Shadows and Tall Building Solar Reflectivity, in accordance with the Design Standards & Policies Manual Section 2-3.100.L.

Building Elevation Design:

25. Regarding the Museum Square Hotel and the Residences at Museum Square Elevations, several windows on the South side of the building appear to be unprotected from solar exposure, heat gain, and to minimize reflected heat. Please provide exterior shade devices for these windows and/or provide illustrations that demonstrate how proposed roof overhangs, canopies, and other exterior design elements provide shade for these windows. All shade devices should be designed so that the shade material has a density of 75%, or greater, in order to maximize the effectiveness of the shade devices. Please refer to Scottsdale Sensitive Design Principle 9 and the Scottsdale Commercial Design Guidelines. Please refer to the following internet link: <http://www.scottsdaleaz.gov/design/Shading>.
26. Regarding the Residences at Museum Square Elevations, Building One, several windows on the South and West sides of the building appear to be unprotected from solar exposure, heat gain, and to minimize reflected heat. Please provide exterior shade devices for these windows and/or provide illustrations that demonstrate how proposed roof overhangs, canopies, and other exterior design elements provide shade for these windows. All shade devices should be designed so that the shade material has a density of 75%, or greater, in order to maximize the effectiveness of the shade devices. Please refer to Scottsdale Sensitive Design Principle 9 and the Scottsdale Commercial Design Guidelines. Please refer to the following internet link: <http://www.scottsdaleaz.gov/design/Shading>.
27. Regarding the Residences at Museum Square Elevations, Building Two, several windows on the East and West sides of the building appear to be unprotected from solar exposure, heat gain, and to minimize reflected heat. Please provide exterior shade devices for these windows and/or provide illustrations that demonstrate how proposed roof overhangs, canopies, and other exterior design elements provide shade for these windows. All shade devices should be designed so that the shade material has a density of 75%, or greater, in order to maximize the effectiveness of the shade devices. Please refer to Scottsdale Sensitive Design Principle 9 and the Scottsdale Commercial Design Guidelines. Please refer to the following internet link: <http://www.scottsdaleaz.gov/design/Shading>.

Circulation:

28. Please note: A minimum 24-foot wide cross access easement will need to be dedicated over the shared Main Art School Entry drive to allow access to the Scottsdale Artist School property, in accordance with the Design Standards & Policies Manual Section 5-3.201.

29. Please note: A minimum 24-foot wide cross access easement will need to be obtained over the shared hotel and Stage Brush Theater driveway to allow shared access to the theater and hotel parcel, in accordance with the Design Standards & Policies Manual Section 5-3.201.
30. Please revise the site plan to show widening of the sidewalk along Goldwater Boulevard to be a minimum width of 8 feet, in accordance with the Design Standards & Policies Manual Section 5-3.110. Dedication of a non-motorized public access easement will be required over any portions of the sidewalk that extend out of the right-of-way.
31. Please revise the site plan to show all driveways consistent with COS Type CL-1 Standard Detail #2256.
32. Please revise the site plan to show the existing street cross section for 2nd Street along the site frontage to remain existing with parallel parking along both sides of the street with bike lanes.
33. Please submit a pedestrian circulation plan that identifies sidewalk locations and widths. Sidewalk shall be provided to connect all site building main entrances to the adjacent street sidewalk, with a minimum width of 6 feet, and a minimum width of 8 feet in higher activity areas, in accordance with the Design Standards & Policies Manual Section 5-3.110.

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect the Development Review Board application and decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Platting:

34. In accordance with Scottsdale Revised Code 48-3 and 48-4, please revise the site plan or provide a supplemental document which identifies the proposed parcel boundaries. Prior to permit issuance, platting will be required for new parcel creation and easements will be required for any public infrastructure running through private parcels. Condo termination will be required to be recorded and provided to city as part of re-plat for the portions that have existing condominium regimes.

Other:

35. In the Development Plan, the photo on the page that is facing page 1 appears to be mislabeled. The view is looking east from the intersection of Goldwater Boulevard and the 1st Street alignment. Please revise accordingly.
36. In the Master Plan section, Cultural Connectivity & Museum Way, please identify the Stagebrush Theater and Scottsdale Artists' School on this map. These are cultural institutions that are important locally and the regionally, and they reinforce the concept of 'Museum Way'.
37. Regarding the Key Site Cross Sections, please extend the section lines so that several buildings of the adjacent existing developments will be illustrated for transitional

comparative purposes in accordance with the Design Standards & Policies Manual Section 2-3.100.G.

38. Regarding the 'Open Space Scale' exhibit and 'Comparison' comments, these are a good technique to explain the concept, however the area that is outlined within the Scottsdale Civic Center Mall is not a good comparative area because of the structures and other features that are not usable by pedestrians. The example of the "existing civic plaza Amphitheatre area" is not overlaid on either of the amphitheater areas that are located within Scottsdale Civic Center Mall. Please provide a better comparative exhibit that demonstrates meaningful open space for the proposed development that is compared to meaningful open space with Scottsdale Civic Center Mall. Please refer to Zoning Ordinance Article III.
39. The proposed development is near three properties, listed on the Scottsdale Historic Register, that are constructed of adobe brick structures. Specifically, El Adobe Apartments, Cavalliere's Blacksmith Shop, and Old Adobe Mission Church. In the past, construction of new developments in Old Town Scottsdale have resulted in ground vibrations that have caused damage to adobe structures. Please provide information regarding construction methods and techniques that will be utilized to minimize ground vibrations and potential damage to these adobe structures.

Please resubmit the revised application requirements and additional/supplemental information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional/supplemental information is necessary.

PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

In an effort to get this Zoning District Map Amendment request to a Development Review Board and Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 17 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These **1st Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-2258 or at bcluff@ScottsdaleAZ.gov.

Sincerely,



Bryan Cluff
Senior Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: **13-ZN-2018**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x 11 shall be folded):

- ☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter.
- ☒ One copy: Revised CD of submittal (CD/DVD, PDF format)
- ☒ One copy: Updated Citizen Participation Report
- ☒ Six copies: Revised Development Plan Books
- ☒ Three copies of the Revised Traffic Impact Mitigation Analysis (TIMA)
- ☒ Three copies of the Revised Parking Master Plan
- ☒ Three copies of the Loloma Area Parking Study

- ☒ Context Aerial with the proposed Site Plan superimposed

Color 8 24" x 36" 1 11" x 17" 1 8 ½" x 11"

- ☒ Site Plan:

8 24" x 36" 1 11" x 17" 1 8 ½" x 11"

- ☒ Pedestrian Circulation Plan:

3 24" x 36" 1 11" x 17" 1 8 ½" x 11"

- ☒ Hardscape Plan:

3 24" x 36" 1 11" x 17" 1 8 ½" x 11"

- ☒ Elevations:

Color 2 24" x 36" 1 11" x 17" 1 8 ½" x 11"
B/W 24" x 36" 11" x 17" 8 ½" x 11"

- ☒ Perspective(s):

Color 2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Streetscape Elevation(s):

Color 2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Site Cross Sections:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Other Supplemental Materials:

Technical Reports:

- ☒ 2 copies of Revised Drainage Report:
- ☒ 1 copies of Revised Storm Water Waiver:
- ☒ 3 copies of Revised Waste Water Design Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.

Case Drainage Report Review – Museum Square

PROJECT NAME: MUSEUM SQUARE

LOCATION: EAST 2ND STREET AND MARSHALL WAY

CASE NUMBERS: 13-ZN-2018

Review comments for preliminary drainage report and preliminary grading and drainage plan by Sustainability Engineering Group sealed June 15, 2018. The date of our review is July 12, 2018 and our review comments are as follows:

1. The content and analysis requirements for case or preliminary drainage reports in support of more conceptual development applications such as general plan amendments and zoning applications are not the same as those for case drainage reports in support of development review or preliminary plat applications. The City requires significantly less information and analysis for the former due to the preliminary nature of these applications. In accordance with the City's Design Standards and Policies Manual (DSPM) preliminary drainage reports submitted in support of the more conceptual applications should include a 50% level of design and analysis including a preliminary grading and drainage plan to allow review and evaluation of the major drainage elements relating to a proposed project by City staff. Case drainage reports submitted in support of preliminary plat and development review applications should include a 75% level of design and analysis including a preliminary grading and drainage plan to allow an analysis of the viability of the proposed project and an in-depth evaluation of the function and design of the stormwater management system by City staff. Upon application of a development review application for this development, the case drainage report will need to be updated to meet the 75% level requirement.
2. Section 4.4 of the preliminary drainage report discusses a future application to the City for a stormwater storage waiver for the calculated stormwater storage volume for the residential parcel. The applicant should review the waiver criteria contained in the City's stormwater storage waiver application. Based on a preliminary review of the waiver criteria as they relate to this project, it is unlikely a waiver will be approved for this project and the calculated volume for the residential parcel will likely need to be stored within the parcel. The preliminary drainage report in support of this case should be revised to address this comment.
3. Section 4.4 of the for the preliminary drainage report discusses, and the preliminary grading and drainage plan shows the use of four shallow surface stormwater storage basins for the residential parcel to be drained by percolation. It is our understanding the areas containing these basins will be over an underground parking garage. The use of percolation basins over the garage will not allow for percolation into the groundwater table as is the intent for surface stormwater storage basins drainage by percolation. The preliminary drainage report in support of this case should be revised to address this comment. Additionally, stormwater storage basins are to be designed as detention basins with a positive outfall where practicable.
4. The report's off-site hydrology, which provides a summary of off-site flows affecting the project site, is a replication of the approved final drainage report for the City's Marshall Way Hardscape Project. As part of the preliminary drainage report in support of the development review application for this project, the applicant will need to provide their own off-site hydrologic analysis prepared in conformance with City requirements.

5. As part of the preliminary drainage report in support of the development review application for this project, the applicant will need to evaluate and address maximum depth of street flow requirements in accordance with section 4-1.204 of the DSPM for public streets within and half streets adjacent to the development's site frontage.

Richard M. Anderson, P.E., CFM
Stormwater Engineering Manager
Stormwater Management
City of Scottsdale
Phone: 480-312-2729
Fax: 480-312-9202

MUSEUM SQUARE - 13-ZN-2018
City of Scottsdale 1st Review Comments & Response
8.13.18

CATEGORY	COMMENT	RESPONSE
Zoning Ordinance and Scottsdale Revise Code Significant Issues	The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:	Comments addressed / responses below
Zoning:		
1	Please provide a revised development plan addressing the items identified in the attached redlined development plan, in accordance with Zoning Ordinance Section 7.820. and the Plan & Report Requirements for Development Applications.	Comments addressed
2	In accordance with Zoning Ordinance Section 6.1310.D.1., an application for a Planned Block Development (PBD) with bonuses requires a development agreement. Although discussion and review of an associated development agreement has commenced, a formal application submittal for the development agreement must be provided. Please provide a complete application submittal for a Development Agreement application, in accordance with the provided Development Application Submittal Checklist, prior to or concurrent with the resubmittal of the Zoning District Map Amendment application.	The Development Agreement has been drafted and is currently under review and negotiation with the developer and the City Attorneys office.
3	The submitted Zoning District Map Amendment includes a parking master plan with a request for a parking reduction of approximately 30% for the hotel use. The proposal also includes multiple residential buildings totaling approximately 300 units. Historically, the city has experienced parking supply issues related to lack of guest parking for multi-family residential uses. In addition, it appears there will be a reduction in available on-street/public parking associated with the development. In accordance with Zoning Ordinance Section 9.104.F.5.h., a parking study will be required regarding the adequacy of future parking in the Loloma area. Please coordinate the details of what should be included in this study with Transportation Director, Paul Basha.	J2 Engineering & Design has coordinated with Paul Basha and a revised Parking Master Plan with the resubmittal.
4	Previous development cases 2-ZN-2000, 2-ZN-2000#3, and 2-ZN-2000#4, which are currently applicable to the subject property, include approved development standards for the site. This proposed development includes a 'Summary of proposed property development standards' which are different from the approved development standards for the site. Please provide a table that shows the current development standards compared to the proposed amended development standards.	A draft Comparison Matrix has been provide to City Staff and is included with the resubmittal.
5	In the Zoning Setbacks section of the development plan, please provide comparative illustrations and information, including dimensions and exceptions, regarding the current setback development standards and the proposed setback development standards.	In the 8.1.18 meeting with City Staff, all parties agreed that the standards proposed are identical to the existing setback standards and no additional information is required. Exhibit base map updated.
6	In the Building Stepbacks section of the development plan, please provide comparative illustrations and information, including dimensions and exceptions, regarding the current stepback development standards and the proposed setback development standards. EXCEPTIONS.	In the 8.1.18 meeting with City Staff, all parties agreed to show "existing" Loloma PBD stepback conditions on the building stepback exhibits. Exhibits updated. See "Attachment B" Building 3 stepback view as requested by redline comment on page 104. Additional dimension request on redline page 104 added where applicable. Encroachment exceptions excluded per Amended Standards Section E.
7	Please submit three (3) copies of the revised TIMA in response to the comments issued by the Transportation Department.	Revised TIMA Report is provided with the resubmittal
8	Please submit three (3) copies of the revised Parking Master Plan in response to the comments issued by the Transportation Department.	Revised PMP is provided with the resubmittal

General Plan / Old Town Character Area Plan		
9	The PBD District Text Amendment (1-TA-2018) recently approved by City Council includes discussion regarding maximum site coverage related to bonus height (Sec. 7.1200.D.1.b.ii). Although this proposal does not appear to exceed site coverage standards, with a resubmittal please provide detail calculating such within the "Bonus Provisions/Special Improvement Calculations" discussion (page 7 of the development plan).	Maximum site coverage calculation has been added to the bonus provision discussion on page 7 of the Development Plan
10	The applicant is proposing to utilize the draft Old Town Character Area Plan (1 -GP-2018) as a means to justify this proposal. To ensure continuity with the narrative as well as transparency with the community, please update the following maps depicted in the first submittal:	Comments addressed
	a. Page 45 depicts the 2009 Downtown Plan Land Use map. With a resubmittal, please replace with the proposed Old Town Future Land Use map (Map 2 in the recently approved plan)	Exhibit updated
	b. Page 49 depicts the 2009 Downtown Plan Development Types map. With a resubmittal, please replace with the recently approved Downtown Development Types map (Map 4 in the draft plan)	Exhibit updated
11	The General Plan Land Use (Goal 5, Bullet 2), Economic Vitality (Goal 5, bullet 6), Neighborhoods (Goal 4, bullet 7) and Community Mobility (Goal 11, Bullet 10) Elements encourage pedestrian oriented development. Additionally, the Old Town Character Area Plan addresses the importance of the pedestrian environment (Policies CD1.5, CD6.2, CD 6.3, and Goal M2). With a resubmittal please address the following:	The Development Plan has been updated to include the goals and policies noted
	a. A future signalized intersection is noted in the first submittal at 2nd Street and Goldwater as well as a future HAWK crossing traversing Goldwater. The narrative does not specify if these improvements will be provided by the applicant. With a resubmittal, please provide clear narrative that discusses these future crossings and how they will be realized.	Additional narrative language has been added regarding the signal and hawk crossing. The developer will continue to work with the City on these improvements.
	b. Page 112 of the first submittal notes the Goldwater/Marshall intersection as a Pedestrian Gateway. Crossing for this location will be accomplished via the future HAWK crossing located west of this intersection. However, Marshall Way has long been envisioned as a north/south pedestrian corridor through the downtown area – and likely, pedestrians will be drawn to this location (Goldwater/Marshall intersection). Please provide pedestrian wayfinding signage at this location to encourage pedestrians to cross at the HAWK location.	Additional narrative language has been added regarding additional wayfinding signage to hawk
	c. Pages 96 and 97 of the first submittal describe the potential for "Museum Way" as a future potential pedestrian connectivity opportunity and improvement on what is existing today between the subject site and Civic Center along 2nd Street. With a resubmittal, please provide further dialogue as to how the applicant will be participating in these proposed improvements.	Additional narrative added to address the applicant's participation
12	Both the General Plan (Character & Design Element Goal 5 and Growth Areas Element Goal 6) and the Old Town Character Area Plan (Character & Design Policies CD 5.5, CD 6.3 and CD 9.4; Mobility Policy M 1.3; and the Arts & Culture Chapter) discuss the importance of art within the downtown that is accessible and integrated into the urban form. Although the first submittal discusses integrated Public Art onsite – the locations are noted across the various site plans provided, but not in one singular graphic. With a resubmittal, provide location details on a Public Art Plan – public art should be viewable from the right-of-way and in locations that are publicly accessible.	Public Art Plan exhibit prepared & included
13	The Old Town Character Area Plan discusses open space areas as an important network of gathering places to be enjoyed by all (Character and Design Chapter Goal CD 5) Although Page 175 of the first submittal notes types of open spaces provided by this proposal in terms of landscaping, it does not specify which areas are public and which areas are not. With a resubmittal, please provide an Open Space Plan that notes all open space areas and describes whether they are public, private, or quasi-public (similar to areas around the waterfront).	Open Space Plan exhibit prepared & included
14	The application states several times that 100,000 new hotel room nights per year will be provided as a result of this project. However, that includes keys resulting from the Canopy hotel proposed northeast of the subject site. Since Canopy is not a part of this proposal – and to be more transparent – please update the narrative to only include estimates that may result from this proposal only.	Narrative updated
15	In the Development Plan, Compatibility section, please revise the narrative so that it also includes an explanation on how the proposed zoning district map amendment will be consistent with the Scottsdale General Plan Character and Design Element: Goal 2 – Bullet 3; Goal 4 – Bullets 2, 7, 13, 15, and 16. NO. 13, NO. 6	Comments addressed (bullet #14 was address vs. bullet #16)
16	In the Development Plan, Compatibility section, please revise the narrative so that it also includes an explanation on how the proposed zoning district map amendment will be consistent with the and the Downtown Scottsdale Character Area Plan, Character and Design Element: Goal CD 1 - Policies 1.1, 1.2, 1.4, 1.5, 1.6, 1.7, and 1.8; Goal CD 2 - Policy 2.1; Goal CD 3 - Policy 3.4; Goal CD 4 - Policies 4.2, and 4.4; Goal CD 10-Policies 10.7, 10.8, and 10.9.	Comments addressed (CD 1.6, 1.7 and 1.8 do not exist in new Old Town Character Area Plan)

Fire:		
17	Please revise the site plan or provide a supplemental plan to clearly demonstrate a minimum 24' width for all drive aisles in accordance with Fire Ord. 4045, Section 503.2.1.	Fire Access Plan exhibit prepared & included
18	Please revise the site plan or provide a supplemental plan to clearly demonstrate commercial turning radii requirements for all driveways (25' inner, 49' outside, 55' bucket swing), in accordance with the Design Standards & Policies Manual, Section 2-1.802.B.5	Fire Access Plan exhibit prepared & included
Drainage:		
19	Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report to me with the rest of the resubmittal material identified in Attachment A.	Revised Drainage Report provided with resubmittal
Water and Waste Water:		
20	Please submit three (3) copies of the revised Waste Water Design Report with the original red-lined copy of the report to me with the rest of the resubmittal material identified in Attachment A.	Revised Waste Water Design Report provided with resubmittal
Utilities		
21	In accordance with Scottsdale Revised Code 47-80, please revise the site plan to note undergrounding of existing overhead utility lines along and within the project boundaries. Several such facilities requiring undergrounding by exist along 2nd Street and within proposed condo parcel.	Site plan revised & noted
Significant Policy Related Issues		
Site Design:		
22	In accordance with the Design Standards & Policies Manual Section 2-1.309, please revise the design of the refuse area design per the following comments:	Refuse Plan per consultation with Waste Management staff prepared & included
	a. Place the refuse compactor container and approach pad so that the refuse truck route to and from the public street has a minimum unobstructed vertical clearance of thirteen (13) feet six (6) inches (fourteen 14 feet is recommended), and unobstructed minimum vertical clearance above the concrete approach slab and refuse compactor container storage area concrete slab of twenty-five (25) feet.	Refuse Plan per consultation with Waste Management staff prepared & included
	b. Place the refuse compactor container in a location that does not require the bin to be maneuvered or relocated from the bin's storage location to be loaded on to the refuse truck.	Refuse Plan per consultation with Waste Management staff prepared & included
	c. Provide a refuse compactor container approach area that has a minimum width of fourteen (14) feet and length of sixty (60) feet in front of the container.	Refuse Plan per consultation with Waste Management staff prepared & included
	d. Demonstrate path of travel for refuse truck accommodates a minimum vehicle turning radius of 45', and vehicle length of 40'.	Refuse Plan per consultation with Waste Management staff prepared & included
23	e. State on site plan compactor capacity conversion equating to the city's required 1 enclosure for every 20 units with no recycling or 2 enclosures for every 30 units with recycling. Although recycling is not a requirement, it has been determined to be an amenity that city residents are looking for in this type of development.	Refuse Plan per consultation with Waste Management staff prepared & included
23	Please provide additional illustrations and information, including dimensions and exceptions, regarding the proposed Transitional Plan, in accordance with the Design Standards & Policies Manual Section 2-3.100.G.	Plan revised & updated
24	Please provide Special Impacts Analyses regarding Tall Building Shadows and Tall Building Solar Reflectivity, in accordance with the Design Standards & Policies Manual Section 2 - 3.100.L.	Comments addressed & incorporated. Shading & Shadows Plan of proposed conditions provided. An exhibit comparing 'as of right' built conditions vs proposed is being prepared for future review.
Building & Elevations		
25	Regarding the Museum Square Hotel and the Residences at Museum Square Elevations, several windows on the South side of the building appear to be unprotected from solar exposure, heat gain, and to minimize reflected heat. Please provide exterior shade devices for these windows and/or provide illustrations that demonstrate how proposed roof overhangs, canopies, and other exterior design elements provide shade for these windows. All shade devices should be designed so that the shade material has a density of 75%, or greater, in order to maximize the effectiveness of the shade devices. Please refer to Scottsdale Sensitive Design Principle 9 and the Scottsdale Commercial Design Guidelines. Please refer to the following internet link: http://www.scottsdaleaz.gov/design/Shading .	High performance window glazing will be utilized to address any issues associated with visible light reflectivity, solar energy reflectance and/or solar heat gain by way of factory fluid applied coatings and films. In addition, other Architectural elements are incorporated in the designs; such as "blades" (extensions of floor and roof plates), balcony projections and recessed punched window openings.
26	Regarding the Residences at Museum Square Elevations, Building One, several windows on the South and West sides of the building appear to be unprotected from solar exposure, heat gain, and to minimize reflected heat. Please provide exterior shade devices for these windows and/or provide illustrations that demonstrate how proposed roof overhangs, canopies, and other exterior design elements provide shade for these windows. All shade devices should be designed so that the shade material has a density of 75%, or greater, in order to maximize the effectiveness of the shade devices. Please refer to Scottsdale Sensitive Design Principle 9 and the Scottsdale Commercial Design Guidelines. Please refer to the following internet link: http://www.scottsdaleaz.gov/design/Shading .	High performance window glazing will be utilized to address any issues associated with visible light reflectivity, solar energy reflectance and/or solar heat gain by way of factory fluid applied coatings and films. In addition, other Architectural elements are incorporated in the designs; such as "blades" (extensions of floor and roof plates), balcony projections and recessed punched window openings.
27	Regarding the Residences at Museum Square Elevations, Building Two, several windows on the East and West sides of the building appear to be unprotected from solar exposure, heat gain, and to minimize reflected heat. Please provide exterior shade devices for these windows and/or provide illustrations that demonstrate how proposed roof overhangs, canopies, and other exterior design elements provide shade for these windows. All shade devices should be designed so that the shade material has a density of 75%, or greater, in order to maximize the effectiveness of the shade devices. Please refer to Scottsdale Sensitive Design Principle 9 and the Scottsdale Commercial Design Guidelines. Please refer to the following internet link: http://www.scottsdaleaz.gov/design/Shading .	High performance window glazing will be utilized to address any issues associated with visible light reflectivity, solar energy reflectance and/or solar heat gain by way of factory fluid applied coatings and films. In addition, other Architectural elements are incorporated in the designs; such as "blades" (extensions of floor and roof plates), balcony projections and recessed punched window openings.

Circulation:		
28	Please note: A minimum 24-foot wide cross access easement will need to be dedicated over the shared Main Art School Entry drive to allow access to the Scottsdale Artist School property, in accordance with the Design Standards & Policies Manual Section 5 -3.201.	Comments noted - to be addressed at future plat stages
29	Please note: A minimum 24-foot wide cross access easement will need to be obtained over the shared hotel and Stage Brush Theater driveway to allow shared access to the theater and hotel parcel, in accordance with the Design Standards & Policies Manual Section 5 - 3.201.	Comments noted - to be addressed at future plat stages
30	Please revise the site plan to show widening of the sidewalk along Goldwater Boulevard to be a minimum width of 8 feet, in accordance with the Design Standards & Policies Manual Section 5 -3.110. Dedication of a non-motorized public access easement will be required over any portions of the sidewalk that extend out of the right-of-way.	All walkway widths identified on the Pedestrian Circulation exhibit. 8' walk along Goldwater Blvd. incorporated.
31	Please revise the site plan to show all driveways consistent with COS Type CL -1 Standard Detail #2256.	Comments noted. Design to be refined & shown in more detail throughout the development process.
32	Please revise the site plan to show the existing street cross section for 2 nd Street along the site frontage to remain existing with parallel parking along both sides of the street with bike lanes.	Plan revised
33	Please submit a pedestrian circulation plan that identifies sidewalk locations and widths. Sidewalk shall be provided to connect all site building main entrances to the adjacent street sidewalk, with a minimum width of 6 feet, and a minimum width of 8 feet in higher activity areas, in accordance with the Design Standards & Policies Manual Section 5-3.110.	All walkway widths identified on the Pedestrian Circulation Plan.

Technical Corrections

Site:

34	In accordance with Scottsdale Revised Code 48-3 and 48-4, please revise the site plan or provide a supplemental document which identifies the proposed parcel boundaries. Prior to permit issuance, platting will be required for new parcel creation and easements will be required for any public infrastructure running through private parcels. Condo termination will be required to be recorded and provided to city as part of re-plat for the portions that have existing condominium regimes.	Noted - to be addressed at future plat & plan review stages
35	In the Development Plan, the photo on the page that is facing page 1 appears to be mislabeled. The view is looking east from the intersection of Goldwater Boulevard and the 1st Street alignment. Please revise accordingly.	Comments addressed & incorporated
36	In the Master Plan section, Cultural Connectivity & Museum Way, please identify the Stagebrush Theater and Scottsdale Artists' School on this map. These are cultural institutions that are important locally and the regionally, and they reinforce the concept of 'Museum Way'.	Comments addressed & incorporated
37	Regarding the Key Site Cross Sections, please extend the section lines so that several buildings of the adjacent existing developments will be illustrated for transitional comparative purposes in accordance with the Design Standards & Policies Manual Section 2 - 3.100.G.	Comments addressed & incorporated. Exhibits revised
38	Regarding the 'Open Space Scale' exhibit and 'Comparison' comments, these are a good technique to explain the concept, however the area that is outlined within the Scottsdale Civic Center Mall is not a good comparative area because of the structures and other features that are not usable by pedestrians. The example of the "existing civic plaza Amphitheatre area" is not overlaid on either of the amphitheater areas that are located within Scottsdale Civic Center Mall. Please provide a better comparative exhibit that demonstrates meaningful open space for the proposed development that is compared to meaningful open space with Scottsdale Civic Center Mall. Please refer to Zoning Ordinance Article III.	Comments addressed & incorporated. Exhibits revised
39	The proposed development is near three properties, listed on the Scottsdale Historic Register, that are constructed of adobe brick structures. Specifically, El Adobe Apartments, Cavalliere's Blacksmith Shop, and Old Adobe Mission Church. In the past, construction of new developments in Old Town Scottsdale have resulted in ground vibrations that have caused damage to adobe structures. Please provide information regarding construction methods and techniques that will be utilized to minimize ground vibrations and potential damage to these adobe structures.	Comments addressed & attached as "Attachment C"

NOTES & Additions: (from 8.1.18 staff meeting)

Non motorized vehicle access easement at back of building 2 w/ 8' min. walkway. (plan currently shows 10' walk)	Noted - to be addressed at future plat & development review
Check section at pinch point between hotel & theater.	Section is: Theater (with removed entry structure) > 10'6" to back of curb > 6" curb > 24' drive > 6" curb > 12' to hotel building.
Locate theater trash receptacle	Noted on refuse plan
Create Refuse Plan	Created & included
Add new line on pages 102-105 exhibits showing existing Loloma site PBD standards	Comments addressed & incorporated. Exhibits revised
Create new figure / ground exhibit comparing open space of existing plats and proposed Open Space	Exhibit prepared & included

- UPDATE TO RESUME PLAN

- WATER + SEWER POD REVISIONS MAY BE REQUIRED. -LEV1

TRANSFACETATION

- STOPS FOR SIGNALS.

- OVERALL PARKING STUDY.

-



COMMENT TRACKING LOG

"LEED®ing and Developing Smart Projects"

CLIENT:	MacDonald Development	DATE:	8/13/2018
PROJECT:	Museum Square- Loloma	REFERENCE:	Zoning 1st Review

No.	Sheet No.	Reviewer	COMMENT	Responsible Party	RESPONSE
			The following comments are from: City of Scottsdale (Wastewater report)		
1	Cov	L. Dillon	Sewer North of 2nd street on Marshall is incorrectly shown as 12". City GIS indicate 5" Hydraulics indicate 2 sewer section north of 2nd street will surcharge or exceed d/D max. These sections should be upsized to 12"	SEG	Existing sewer corrected to 8"; Proposed parallel 8" sewer added.
2	Cov	L. Dillon	Pool backwash flows from the hotel should be incorporated into the hydraulic analysis. It is common to have rates of 100gpm for this flow.	SEG	Pool flows added
3	Pg. 5	L. Dillon	Exisiting Sewer System: Sewer diameter is 8" North of 2nd Street on Marshall (north of MH6 shown on plan) slope is only 0.0014ft/ft in section north and 0.0051 ft/ft in next section to the north. Respective flows in these sections will be 395gpm abd 362gpm. Respective d/Ds would be "surcharging" and 0.77 without any adjustment for pool backwash. Based on this analysis these two sections of 8" sewer must be upsized to 12" i.e. between MH#6 and #4 shown on utility plan herein, approx. 215 ft.	SEG	Proposed 8" parallel sewer added.

4	Pg. 5	L. Dillon	Table 2- calculated wastewaterdemands : Add hotel pool backwash.	SEG	Added
5	Pg. 5	L. Dillon	The shalloed slope: Shallowest?	SEG	Revised
6	Pg. 6	L. Dillon	Slope: 0.0031	SEG	Calcs revised
7	Pg. 6	L. Dillon	4.2 Flow Monitoring: Not a straight through run on manhole, how was this done?	SEG	RHD
8	Pg. 6	L. Dillon	5.1: no but upsizing appears necessary	SEG	Added new main
9	Pg. 7	L. Dillon	746gom: 675gpm capacity@0.0031ft/ft	SEG	Calcs revised
10	Pg. 13	L. Dillon	What company ate these results from? List and describe company,contact and monitoring equipment and methods used.	SEG	See section 4.2
11	Pg. 15	L. Dillon	City Gis shows 8" sewer here.	SEG	Revised
The following comments are from: City of Scottsdale (Water Report)				ACCEPTED AS NOTED	
1	Cov	L. Dillon	The 16" transmission main cannot be tapped for potable or fire sprinkler system supply (e.g. see bldg 1 in utility plan herein) Refer to DS&PM Ch 6-1.416 section K	SEG	Revised to tap existing 8" main
2	Cov	L. Dillon	Submit hydraulic modeling per DS&PM Ch6 with DR case final BOD.	SEG	Noted
3	Cov	L. Dillon	Any 4" public distribution system piping within or along the frontages of the properties to be developed must be upsized to the City minimum 6".	SEG	Noted

4	Pg. 6	L. Dillon	Table 2A- Calculated instantaneous demands: GOOD!	SEG	Noted
5	Pg. 7	L. Dillon	5.2 Fire Lines and Hydrants: 2500 gpm above 30 psi	SEG	Noted
6	Pg. 8	L. Dillon	7.1 high rise: high rise required 2,500 gpm fire flow	SEG	Noted
The following comments are from: City of Scottsdale (Case Drainage Report)					

1	Pg. 1	Richard Anderson	The content and analysis requirements for case or preliminary drainage reports in support of more conceptual development applications such as general plan amendments and zoning applications are not the same as those for case drainage reports in support of development review or preliminary plat applications. The City requires significantly less information and analysis for the former due to the preliminary nature of these applications. In accordance with the City's Design Standards and Policies Manual (DSPM) preliminary drainage reports submitted in support of the more conceptual applications should include a 50% level of design and analysis including a preliminary grading and drainage plan to allow review and evaluation of the major drainage elements relating to a proposed project by City staff. Case drainage reports submitted in support of preliminary plat and development review applications should include a 75% level of design and analysis including a preliminary grading and drainage plan to allow an analysis of the viability of the proposed project and an in-	SEG	Noted, report revised accordingly
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2		Richard Anderson	Section 4.4 of the preliminary drainage report discusses a future application to the City for a stormwater storage waiver for the calculated stormwater storage volume for the residential parcel. The applicant should review the waiver criteria contained in the City's stormwater storage waiver application. Based on a preliminary review of the waiver criteria as they relate to this project, it is unlikely a waiver will be approved for this project and the calculated volume for the residential parcel will likely need to be stored within the parcel. The preliminary drainage report in support of this case should be revised to address this comment.	SEG	Noted, report revised accordingly. Remains as an option.
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3		Richard Anderson	Section 4.4 of the for the preliminary drainage report discusses, and the preliminary grading and drainage plan shows the use of four shallow surface stormwater storage basins for the residential parcel to be drained by percolation. It is our understanding the areas containing these basins will be over an underground parking garage. The use of percolation basins over the garage will not allow for percolation into the groundwater table as is the intent for surface stormwater storage basins drainage by percolation. The preliminary drainage report in support of this case should be revised to address this comment. Additionally, stormwater storage basins are to be designed as detention basins with a positive outfall where practicable.	SEG	Basins for the residential site have been removed. New options provided, including possible underground on the adjacent school site.
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4		Richard Anderson	The report's off-site hydrology, which provides a summary of off-site flows affecting the project site, is a replication of the approved final drainage report for the City's Marshall Way Hardscape Project. As part of the preliminary drainage report in support of the development review application for this project, the applicant will need to provide their own off-site hydrologic analysis prepared in conformance with City requirements.	SEG	Noted
5	Pg. 2	Richard Anderson	As part of the preliminary drainage report in support of the development review application for this project, the applicant will need to evaluate and address maximum depth of street flow requirements in accordance with section 4-1.204 of the DSPM for public streets within and half streets adjacent to the development's site frontage	SEG	Noted

Attachment C

There would essentially be three potential sources of vibration that could be above the normal background in the neighborhood.

- Acoustic Vibration from construction activity could be a factor, although not likely considering the distance from the site (two blocks) and the number of other structures between the site and the subject buildings. Construction traffic, including aggregate haul trucks would most likely be the biggest contributor. Mitigation factors would include:
 - Routing all construction traffic to areas that do not pose a threat to the buildings of concern.
 - Constructing temporary noise dissipation walls or features at the property line in locations where there might be a direct line of sight to the buildings.
 - Perform several audio surveys around the buildings prior to start of construction in order to establish a background level and then provide monitoring with a recording audio dosimeter during construction activity to determine if there are any sustained levels of abnormal noise that are reaching the buildings.
- Ground Vibrations from construction activity could be a factor. Activities like pile driving or blasting would be the most obvious sources of excessive vibration and fortunately, none of those activities are necessary on this site. Construction traffic can also generate excessive vibrations (normal traffic generates up to 2 mm/s). Vibratory compaction equipment for soil compaction and asphalt compaction are another potential source of vibration. Mitigation factors would include:
 - Routing all construction traffic to areas that do not pose a threat to the buildings of concern.
 - Require activities like pile driving or blasting to develop specific mitigation plans prior to being implemented. Again, we do not plan on any such activities.
 - Perform a thorough pre-construction survey of the buildings and provide vibration monitoring near the buildings during construction activities that have the potential to generate damaging ground vibration.
 - Isolation trenches or similar measures could be installed at the property line if vibration from asphalt or soil compactors becomes an issue.

Source	Potential	Mitigation
Construction Traffic	<ul style="list-style-type: none"> • Acoustic • Ground 	<ul style="list-style-type: none"> • Route construction traffic away from the area • Survey and Monitor noise level changes to avoid long term exposure • Noise dissipation structures if necessary
Pile Driving	<ul style="list-style-type: none"> • Acoustic • Ground 	<ul style="list-style-type: none"> • Avoid this type of activity (not planned) • Develop specific mitigation plans if the activity becomes necessary. • Monitoring
Vibratory Compaction	<ul style="list-style-type: none"> • Ground 	<ul style="list-style-type: none"> • Restrict frequency on the machines to only levels necessary to achieve compaction • Minimize the amount of mechanical compaction required by utilizing slurries. • Install isolation trenches or other measures if necessary to stop the vibration at the property line • Monitoring

August 7, 2018

Loloma Development Standards Comparison

2-ZN-2000 Loloma

2-ZN-2000#2 Withdrawn

2-ZN-2000#3 and 2-ZN-2000#4 Museum of the West (#4 case applies)

*setbacks measured from back of curb

	2-ZN-2000 Loloma D/RS-1 PBD D/RH- 2 PBD D/OC -2 PBD	2-ZN-2000#4 Museum of the West	D/DMU –3 PBD DO New Ordinance	13-ZN-2018 Museum Square D/DMU –3 PBD DO
Property Size	9.05+/- acres	2.7+/- acres	n/a	7.386+/- acres
Building Height	60 feet excluding mechanical	55 feet including mechanical	Base: 84 feet	150 feet + 6 feet for spire
GFAR	Type 1: 1.127 Type 2: 1.596	1.8	1.4 1.8 with underground parking bonus	1.4
Dwelling Units	253	n/a	369 50 du/ac	300+/-
Goldwater Blvd Setback*	22'	n/a	30'	30'
Second Street Setback*	18' – 2"	20'	20'	20'
Marshall Way Setback*	20'	16'	20'	20'
Building Envelope/ Stepback	1:1 up to a height of 38' then 2:1 thereafter on all sides	1:1 beginning at 45' above the setback line then 2:1 at 50' and above	2:1 beginning 45' above the setback line	2:1 beginning 45' above the setback line No stepback for Hotel and Residential buildings above 4 th , 5 th and 6 th story per development plan

Cluff, Bryan

From: Cluff, Bryan
Sent: Wednesday, October 24, 2018 4:28 PM
To: Michele Hammond (mh@berryriddell.com)
Cc: 'jb@berryriddell.com'
Subject: Museum Square DP update and outstanding items

Michele,

I wanted to quickly summarize outstanding items related to Museum Square to make sure we have everything in order moving forward. Please note these are P&Z related items and are not inclusive of other possible DA or PSA related items.

1. DP technical corrections:
 - a. Page 2 – unit counts in request need to match page 66.
 - b. Page 4 – please confirm the site area depicted on this page is accurate. Adjustments are being made with regard to the purchase area, however, my understanding is that the zoning boundary (or at least the SF area) is not changing. Of particular importance is the western boundary of the north parcel.
 - c. Page 7 – Update bonus calculation for year 2019. Revised amount in DA is \$885,063.83.
 - d. Page 66 – Verify parking numbers are accurate. Add required parking from Parking Master Plan and confirm added units are included in required and provided parking. Parking master plan also needs to be updated to account for additional units. Adjust/remove building area numbers as discussed in last weeks meeting. Break up residential and commercial floor area.
 - e. Page 96 (and all other plan pages) – confirm depiction of parcel areas/boundaries are accurate. Plan still shows a building encroachment over the depicted boundary.
 - f. Page 100 – This is an old plan and does not match the page title. Delete? Or Swap out for downtown development types map.
 - g. Page 110 – Update parking numbers to be consistent with other updates discussed above.
 - h. Pages 116, 118, 120, 122 – Update specialty paving on Marshall Way to match as shown on page 124.
 - i. Pages 132-147 – There are not any building elevations for Building 4?
 - j. Page 149 – Has the height for Building 4 (75 feet) been updated on this section graphic?
 - k. Can the refuse plan that was submitted last month be included within the DP somewhere?
2. Parking Master Plan needs to be updated to account for additional dwelling units, and the following:
 - a. Correct the proposed number of parking stall inconsistencies.
 - b. Provide residential parking space for each building near the building where the resident using the parking will live
 - c. Evaluate residential and guest parking demand and provide a recommendation within the report with the number of stalls necessary to meet the demand.
3. Development Area Budget (Exhibit "D" of DA) – I am waiting on the final parcel area for each parcel so we can complete the table. I also spoke with the group and as I mentioned when we met with Hugh, we did not expect there to be any un-allocated development attributes. So the "extra" units that are not currently allocated to the apartments or condos should not be included in the table. The language in the DA which discusses transfer of development rights needs to remain intact as agreed upon. There still seems to be a disagreement between Hugh and Joe Padilla with regard to interpretation of transfer of development rights within the 10% threshold. The City's opinion is that it is still a transfer even if it is under the 10%, therefore the language is still needed in the agreement for potential transfers between parcels, within the limits of the Development Area Budget.
4. I am waiting to hear back on the sewer BOD revisions that were submitted. I will let you know ASAP if I receive any comments or questions back on that.

Let me know if you have any questions or if there is anything you think we should to meet about.

Thank you,

Bryan D. Cluff, LEED AP

Senior Planner

City of Scottsdale

Planning & Development

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Cluff, Bryan

From: Cluff, Bryan
Sent: Monday, September 24, 2018 10:24 AM
To: Michele Hammond (mh@berryriddell.com)
Subject: FW: 13-ZN-2018 Museum Square Parking Master Plan
Attachments: PMP Review Summary 9-20-2018.pdf; Review Map 9-20-2018.pdf

Michele,

FYI – Please see below. I believe Emily already sent a copy to Jamie. We will need an update submitted ASAP.

Thank you,

Bryan D. Cluff, LEED AP

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From: Appleton, Emily J
Sent: Friday, September 21, 2018 1:39 PM
To: Cluff, Bryan <BCluff@Scottsdaleaz.gov>
Cc: Basha, Paul <PBasha@Scottsdaleaz.gov>; Kercher, Phillip <pker@scottsdaleaz.gov>
Subject: 13-ZN-2018 Museum Square Parking Master Plan

Hi Brian,

After review of the Museum Square Parking Master Plan dated September 13, 2018, I prepared the attached summary and map to help understand the proposed changes. Acceptance of the Parking Master Plan is not recommended until the comments below are satisfactorily addressed.

1. The report indicates that Residential Buildings 1-4 will provide 470 parking spaces (385 + 85) but the site plan info indicates only 431 (346 + 85) parking spaces are provided. This needs to be verified and updated to be consistent.
2. Residential Buildings 1-3 are proposed to have 346 spaces provided - per the site plan - where the minimum number required by the COS code is 374 spaces.
3. Residential Buildings 1-3 are proposed to have 385 spaces provided – per the report narrative.
4. Residential Building 4 is proposed with 85 spaces provided and the minimum number required is 95.
5. For all residential buildings, the City's experience has been that the minimum requirements often do not meet the parking demand. Staff recommends providing the minimum required PLUS consideration for guest parking. Include an evaluation of the residential parking needs and a recommendation for number of parking stalls required to meet the need.

-
6. Staff does not recommend acceptance of the Parking Master Plan dated September 13, 2018. The parking master plan needs to be updated as follows:
- a. Correct the proposed number of parking stall inconsistencies.
 - b. Provide residential parking spaces for each building near the building where the resident using the parking will live
 - c. Evaluate residential and guest parking demand and provide a recommendation within the report indicating the recommended number of stalls necessary to meet the demand.

Emily Appleton

Senior Traffic Engineer
City of Scottsdale
Office 480.312.7613